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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 27 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GAGUBHA KALUBHA DARBAR

Versus

GORDHANBHAI JADAVJIBHAI SANGHANI

Appearance:

1. Appeal from Order No. 27 of 1999

MR SURESH M SHAH for Petitioner No. 1

MR YOGESH S LAKHANI for Respondent No. 1

RULE SERVED for Respondent No. 2

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 04/10/2001

ORAL JUDGEMENT

1. This Appeal was admitted on 11.3.1999 after hearing the other side by the learned Single Judge of this Court. On Civil Application No.217 of 1999 filed in this Appeal, after hearing the learned Counsel for the parties on the question of interim relief, the learned Single Judge of this Court granted stay against the impugned order passed by the learned trial Judge on the condition that the appellant - original defendant No.2 furnish security to the satisfaction of the trial Court

in the sum of Rs.1,50,000/- latest by 9.4.1999. While disposing of that Civil Application by that very order the learned Judge directed the trial Court to expedite the hearing of the Suit and dispose of the same as early as possible and in any case not later than 31.3.2000.

2. In view of the above both the learned Counsel for the parties stated at the bar that by now the Suit must have been finally disposed of. However, by abundant caution they have jointly requested that this Appeal be disposed of with a direction to the trial Court to finally dispose of Special Civil Suit No.114 of 1998 if the same is not decided so far by the trial Court.

3. Accordingly, without going into the legality and validity of the impugned order passed by the learned trial Judge this Appeal is disposed of with direction to the learned trial Judge to dispose of Special Civil Suit No.114 of 1998 as early as possible and not later than 30th April 2002 if so far the said Suit is not disposed of. The parties shall fully cooperate with the final disposal of the Suit. Till then the interim relief granted earlier in Civil Application No.217 of 1999 by the learned Single Judge of this Court shall continue.

As the main Appeal is disposed of, Civil Application No.217 of 1999 will not survive. The same is accordingly disposed of.

sd/-

Date : October 04, 2001 (B.J.Shethna, J.)

sas